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REMARKS

I. INTRODUCTION

In response to the non-final Office Action mailed November 13, 2006, the Assignee submits the appended amendments and remarks. The Specification is amended to clarify that U.S. Application Serial No. 09/594,732, of which the present application is a continuation, is now U.S. Patent No. 6,496,936 issued on December 17, 2002. The Specification is also amended to clarify that U.S. Patent No. 6,263,447 B2, of which the U.S. Patent No. 6,496,936 is a continuation, claims benefit to U.S. Provisional application No. 60/086,257, filed May 21, 1998. The Specification is also amended to clarify that U.S. Patent No. 6,282,658 B2 and U.S. Patent Application No. 6,321,339, of each of which the present application is related, claim benefit to U.S. Provisional application No. 60/086,257, filed May 21, 1998.

No new matter is added by the present amendment.

II. REJECTION OF CLAIMS 39-41, 46-52, 54-57, 62-63, 66, AND 68 UNDER 35 U.S.C. 102(e)

The Office Action rejected claims 39 - 41, 46 - 52, 54 - 58, 62 - 63, 66, and 68 under 35 U.S.C. § 102(e) in view of U.S. Patent No. 6,460,076 to Srinivasan (hereinafter "Srinivasan"). The Attorney for the Assignee respectfully traverses this rejection since Srinivasan is unavailable as a reference under 35 U.S.C. § 102(e).

35 U.S.C. § 102(e) states a person shall be entitled to a patent unless "the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the application for patent or (2) a patent granted on an application for patent by another filed in the United

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States before the invention by the application for patent." The Attorney for the Assignee respectfully submits that Srinivasan was filed after the priority date of the present application.

An application in which the claimed subject matter is disclosed in a manner provided by 35 U.S.C. § 112, 1st paragraph in a provisional application by an inventor or inventors named in the provisional application can claim benefit to the filing date of the provisional application for the claimed subject matter. (*See* 35 U.S.C. § 119(e)). Furthermore, MPEP § 201.11(II)(A) states that an "Applicant may claim the benefit of a provisional application by claiming the benefit of an intermediate copending nonprovisional application."

The present application is a continuation of U.S. patent application U.S.S.N. 09/594,732 (U.S. Patent No. 6,496,936), filed June 16, 2000, which is a continuation of U.S. patent application U.S.S.N. 09/315,128 (U.S. Patent No. 6,263,447), filed May 20, 1999, which claims benefit to U.S. Provisional application No. 60/086,257, filed May 21, 1998.

The present application was filed November 26, 2001, while U.S. Patent No. 6,496,936 (issued December 17, 2002) was still pending. U.S. Patent No. 6,496,936 was filed June 16, 2000 while U.S. Patent No. 6,263,447 (issued July 17, 2001) was still pending. U.S. Patent No. 6,496,936 was filed May 20, 1999 while U.S. Provisional application No. 60/086,257 was still pending. Jennifer French, one of the named inventors of the present application was listed as an inventor on U.S. Patent No. 6,496,936, U.S. Patent No. 6,263,447, and U.S. Provisional application No. 60/086,257.

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<p>(c) receiving a response to the query from the user in real time;</p> <p>(d) comparing the response to information in the user's credit file, in real time, to authenticate the user's identity; and</p> <p>(e) allowing the user to access a predetermined transaction, in real time, only if the user's identity is authenticated.</p>	<p>Pg. 12, lines 8-18.</p> <p>Pg. 6, lines 3-19.</p> <p>Pg. 5, lines 14-16.</p>
<p>40. The method of claim 39, wherein step (e) comprises indicating to the user acceptance of the first type of information and the response provided by the user.</p>	<p>Pg. 24, lines 19-20.</p>
<p>41. The method of claim 39, wherein steps (b) and (c) are repeated multiple times.</p>	<p>Pg. 12, lines 1-3.</p>
<p>46. The method of claim 39, wherein the user provides the first type of information and the response from a platform located remotely from the credit file.</p>	<p>Fig. 11</p>

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47. The method of claim 39, wherein the predetermined transaction is provided by a platform other than the creditor of the user or the credit file.	Fig. 11
48. The method of claim 39, wherein the predetermined transaction is provided by a party other than the credit file's owner.	Pg. 26, lines 8-10.
49. The method of claim 39, wherein steps (a), (b), (c), (d), and (e) are executed sequentially.	Fig. 1.
50. The method of claim 39 further comprising: (f) verifying the first type of information received.	Pg. 11, lines 10-11.
51. The method of claim 50, wherein step (f) is executed after step (a) and, if step (f) is successful, step (b) is executed.	Pg. 11, lines 10-12.
52. The method of claim 50, wherein verifying	

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<p>the first type of information further comprises</p> <p>preprocessing at least some information from the first type of information for reliability, including performing at least one task selected from the group of tasks consisting of (1) checking format of the at least some information; (2) comparing the at least some of the information against a record of known data; and (3) ensuring that the at least some information is present in the record of known data.</p>	<p>Pg. 13, lines 1-12.</p>
<p>54. The method of claim 50, wherein step (f) comprises:</p> <p>(i) retrieving the user's identification information from a data source;</p> <p>(ii) comparing the first type of information received with the user identification information retrieved from the data source; and</p> <p>(iii) determining a level of correspondence between the first</p>	<p>Pg. 31, lines 1-4.</p>

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type of information received and the user identification information retrieved from the data source.	
55. The method of claim 54, wherein the data source comprises a credit file.	Pg. 5, line 11.
56. The method of claim 39, wherein step (d) further comprises: (i) retrieving the user's information from the credit file; and (ii) determining a level of correspondence between the response received and the user's information retrieved from the credit file.	Pg. 31, lines 1-4.
57. The method of claim 56, wherein the identity of the user is authenticated based on at least one of the following: a level of correspondence determined between the first type of information received and user identification information retrieved from a data source, and an evaluation	Pg. 5, lines 9-13.

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real time; compare the response with information in the credit database; and provide an indication about the user's identity.	Pg. 6, lines 3-19.
68. The system of claim 66, wherein the processor is further configured to: retrieve the user's information from the credit database; compare the first type of information with the user's information retrieved from the credit database; and determine a level of correspondence between the first type of information and the user's information retrieved from the credit database.	Pg. 31, lines 1-4.

Therefore, the present application claims benefit to the filing date of U.S. Provisional application No. 60/086,257, May 21, 1998. Srinivasan was filed December 21, 1998, after the filing date of U.S. Provisional application No. 60/086,257. (Underlining supplied). The Attorney for the Assignee respectfully submits that Srinivasan is not available as a reference under 35 U.S.C. § 102(e) with respect to

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claims 39-41, 46-52, 54-57, 62-63, 66, and 68. Accordingly, and in view of the arguments and amendments above, the Attorney for the Assignee respectfully requests reconsideration and withdrawal of the rejection. Allowance of claims 39-41, 46-52, 54-57, 62-63, 66, and 68 is requested.

III. REJECTION OF CLAIMS 42-45, 53, 61, 64-65 AND 67 UNDER 35 U.S.C. § 103(a)

The Office Action rejected claims 42-45, 53, 61, 64-65 and 67 under 35 U.S.C. § 103(a) over Srinivasan. Claims 42-45, 53, 61, 64-65 and 67 are ultimately dependent on claims 39, 63 and 66, reasons for allowance for which are provided above. Accordingly, the Attorney for the Assignee respectfully requests reconsideration and withdrawal of the rejection. Allowance of claims 42-45, 53, 61, 64-65 and 67 is respectfully requested.

IV. REJECTION OF CLAIM 69 UNDER 35 U.S.C. § 103(a)

The Office Action rejected claim 69 under 35 U.S.C. § 103(a) over Srinivasan in view of U.S. Patent No. 5,987,440 to O'Neil *et al.* Claim 69 is dependent on claim 66, reasons for allowance for which are provided above. Accordingly, the Attorney for the Assignee respectfully requests reconsideration and withdrawal of the rejection. Allowance of claim 69 is respectfully requested.

V. OBJECTION OF CLAIMS 58-60

The Office Action objected to claims 58-60 as being dependent upon a rejected base claim, but otherwise allowable if rewritten in independent form. Claims 58-60 are ultimately dependent on claim 39, reasons for allowance for which are provided above.

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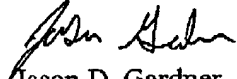
Accordingly, the Attorney for the Assignee respectfully requests reconsideration and withdrawal of the objection. Allowance of claims 58-60 is respectfully requested.

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CONCLUSION

Claims 39 - 69 are pending in the application. The Office Action rejections are believed to be traversed by the present amendment and response. Claims 39 - 69 should now be in condition for allowance. The Examiner is invited and encouraged to contact the undersigned attorney of record at (404) 745-2520 if such contact will facilitate a Notice of Allowance for Claims 39 - 69. If any additional fees are due, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 11-0855.

Respectfully submitted,



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